

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/3/2023

JAVELIN GLOBAL COMMODITIES (UK) LTD.,

Plaintiff,

-against-

GSP MERRIMACK, LLC et al.,

Defendants.

23-cv-1354-MKV

**ORDER OF DISMISSAL**

MARY KAY VYSKOCIL, United States District Judge:


This action was filed on February 16, 2023. The Amended Complaint claimed subject matter jurisdiction under 28 U.S.C. § 1332. [See ECF No. 6]. However, a review of the docket indicated that Plaintiff had not adequately alleged the membership of Defendant GSP Merrimack LLC. [ECF No. 40.] Accordingly, on September 22, 2023, the Court entered an Order, directing the plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction. [ECF No. 40.]

In response, the parties have now informed the Court that they “no longer believe that complete diversity exists.” [ECF No. 44.] Given that the parties jointly agree there is not complete diversity of citizenship, this Court lacks jurisdiction over this action. Therefore, with consent of both parties, [see ECF Nos. 44, 45], this action is dismissed.

The Clerk of Court is respectfully requested to close this case.

**SO ORDERED.**

**Date: November 3, 2023  
New York, NY**

  
\_\_\_\_\_  
**MARY KAY VYSKOCIL**  
**United States District Judge**